

## APPENDIX I - ORDINANCE NO. O-2004- 09

### BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

#### AN ORDINANCE AMENDING SECTION 54 OF ARTICLE III OF THE CODE OF ORDINANCES OF BENTON COUNTY REGARDING SETBACKS

WHEREAS, public, as well as private interests, are best served by the establishment of setback lines which protect rights-of-ways from encroachments, and which insure that new development will have conforming setbacks; and

WHEREAS, certain revisions to setback provisions are deemed necessary to insure consistency with the County Road Plan, and to insure protection of existing and future public rights-of-ways; and

WHEREAS, in accordance with A.C.A. 14-17-207, the County Planning Board has recommended certain amendments to Article III, Section 54 of the Code of Ordinances.

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS:

SECTION 1. Section 54-58 (a) (1) of the Code of Ordinances of Benton County, Arkansas is amended to read as follows: “*Arterial roads*, 65 feet measured from the centerline of the fronting road or 25 feet from the fronting property line, whichever is greater.”

SECTION 2. Section 54-58 (a) (3) of the Code of Ordinances of Benton County, Arkansas is amended to read as follows: “*Local roads*, 50 feet measured from the centerline of the fronting road or 25 feet from the fronting property line, whichever is greater.”

SECTION 3. Section 54-59 of the Code of Ordinances of Benton County, Arkansas is amended to read as follows: “**Sec. 54-59. Variation permitted.** The County Court may, upon recommendation of the County Planning Board, vary the requirements of this article if strict enforcement would cause undue hardship due to circumstances unique to the individual property under consideration and grant such variations only when it is demonstrated that such action will be in keeping with the spirit and intent of this article.

SECTION 4. The Code of Ordinances of Benton County, Arkansas, is amended by adding a section to read as follows: “**Sec. 54-62. Recording plats.** The county recorder shall not accept any plat in the unincorporated area of the county not within the exercised territorial jurisdiction of a municipality for record without the approval of the County Planning Board.

APPROVED:

/s/ Gary D. Black

GARY D. BLACK, COUNTY JUDGE

ATTEST:

/s/ Mary L. Slinkard

MARY L. SLINKARD, COUNTY CLERK

SPONSOR: JP Jerry Sheridan

DATE ADOPTED: April 8, 2004

Votes For: 12 Votes Against: \_\_\_\_\_

Abstain: \_\_\_\_\_ Present: \_\_\_\_\_ Absent: \_\_\_\_\_

Vacant: 1